

23 JAN. 2008

## THE PATENT OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA

Address: 6 Xi Tu Cheng Lu, Haidian, Beijing

Post Code: 100088

Applicant:	KUKA ROBOTER GMBH	Date of Notification: Date: <u>21</u> Month: <u>12</u> Year: <u>2007</u>
Attorney:	DONG XIN	
Application No.:	200480034795.2	
Title of the Invention:	VERFAHREN UND VORRICHTUNG ZUM BETREIBEN ZUSAMMENARBEITENDER, UNTERSCHIEDLICHER GERAETE	

**Notification of the First Office Action**  
(PCT Application in the National Phase)

T: 21.04.  
JJS 21.03.

1. ☒ The applicant requested examination as to substance and examination has been carried out on the above-identified patent application for invention under Article 35(1) of the Patent Law of the People's Republic of China (hereinafter referred to as "the Patent Law").  
☐ The Chinese Patent Office has decided to examine the application on its own initiative under Article 35(2) of the Patent Law.
2. ☒ The applicant claimed priority/priorities based on the application(s):  
 filed in DE on Dec. 9, 2003, filed in \_\_\_\_\_ on \_\_\_\_\_,  
 filed in \_\_\_\_\_ on \_\_\_\_\_, filed in \_\_\_\_\_ on \_\_\_\_\_.
3. ☐ The following amendments submitted by the applicant are not acceptable under Art. 33 of the Patent Law:  
☐ The Chinese translation of the amendments annexed to the IPEA Report.  
☐ The Chinese translation of the amendments made under Art. 19 of PCT.  
☐ The amendments made under Art. 28 or Art. 41 of PCT.  
☐ The amendments made under Rule 51 of the Implementing Regulations of the Patent Law.  
 Specific reasons why the amendments are not acceptable are set forth in the text portion of this Notification.
4. ☒ Examination was directed to the Chinese translation of the International Application as originally filed.  
☐ Examination was directed to the application documents as specified below:  
☐ Description ☐ Pages \_\_\_\_\_ of the Chinese translation of the International Application as originally filed.  
☐ Pages \_\_\_\_\_ of the Chinese translation of the amendments annexed to the IPEA Report.  
☐ Pages \_\_\_\_\_ of the amendments made under Art. 28 or Art. 41 of PCT.  
☐ Pages \_\_\_\_\_ of the amendments made under Rule 51 of the Implementing Regulations of the Patent Law.  
☐ Claims ☐ The Chinese translation of claims \_\_\_\_\_ of the International Application as originally filed.  
☐ The Chinese translation of claims \_\_\_\_\_ of the amendments made under Art. 19 of PCT.  
☐ The Chinese translation of claims \_\_\_\_\_ of the amendments annexed to the IPEA Report.  
☐ The Chinese translation of claims \_\_\_\_\_ of the amendments made under Art. 28 or Art. 41 of PCT.  
☐ The amendments of the claims \_\_\_\_\_ made under Rule 51 of the Implementing Regulations of the Patent Law.  
☐ Drawings ☐ Pages \_\_\_\_\_ of the Chinese translation of the International Application as originally filed.  
☐ Pages \_\_\_\_\_ of the Chinese translation of the amendments annexed to the IPEA Report.  
☐ Pages \_\_\_\_\_ of the amendments made under Art. 28 or Art. 41 of PCT.  
☐ Pages \_\_\_\_\_ of the amendments made under Rule 51 of the Implementing Regulations of the Patent Law.
5. ☒ Below is/are the reference(s) cited in this Office Action (the reference number(s) will be used throughout the examination procedure):

No.	Number(s) or Title(s) of Reference(s)	Date of Publication (or the filing date of conflicting application)
1	CN1429462A	Date: 9 Month: 7 Year: 2003
2		Date: __ Month: __ Year: __

## 6. Conclusions of the Action:

☐ On the Specification:

- ☐ The subject matter contained in the application is not patentable under Article 5 of the Patent Law.
- ☐ The description does not comply with Article 26 paragraph 3 of the Patent Law.
- ☐ The draft of the description does not comply with Rule 18 of the Implementing Regulations.

☒ On the Claims:

- ☐ Claim(s) \_\_\_\_\_ is/are not patentable under Article 25 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ does/do not comply with the definition of inventions prescribed by Rule 2 paragraph 1 of the Implementing Regulations.
- ☐ Claim(s) \_\_\_\_\_ does/do not possess the novelty as required by Article 22 paragraph 2 of the Patent Law.
- ☒ Claim(s) 1-7,9,11-13,15,17-20 does/do not possess the inventiveness as required by Article 22 paragraph 3 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ does/do not possess the practical applicability as required by Article 22 paragraph 4 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ does/do not comply with Article 26 paragraph 4 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ does/do not comply with Article 31 paragraph 1 of the Patent Law.
- ☒ Claim(s) 1,3,7,9,12,17,19-21 does/do not comply with the provisions of Rule 20 of the Implementing Regulations.
- ☒ Claim(s) 4-7,9-11,15-20 does/do not comply with the provisions of Rule 23 of the Implementing Regulations.
- ☐ Claim(s) \_\_\_\_\_ does/do not comply with Article 9 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ does/do not comply with the provisions of Rule 12 paragraph 1 of the Implementing Regulations.

The explanations to the above conclusions are set forth in the text portion of this Notification.

## 7. In view of the conclusions set forth above, the Examiner is of the opinion that:

- ☐ The applicant should make amendments as directed in the text portion of the Notification.
- ☒ The applicant should expound in the response reasons why the application is patentable and make amendments to the application where there are deficiencies as pointed out in the text portion of the Notification, otherwise, the application will not be allowed.
- ☐ The application contains no allowable invention, and therefore, if the applicant fails to submit sufficient reasons to prove that the application does have merits, it will be rejected.
- ☐ \_\_\_\_\_

## 8. The followings should be taken into consideration by the applicant in making the response:

- (1) Under Article 37 of the Patent Law, the applicant should respond to the office action within 4 months counting from the date of receipt of the Notification. If, without any justified reason, the time limit is not met, the application shall be deemed to have been withdrawn.
- (2) Any amendments to the application should be in conformity with the provisions of Article 33 of the Patent Law. Substitution pages should be in duplicate and the format of the substitution should be in conformity with the relevant provision contained in "The Examination Guidelines".
- (3) The response to the Notification and/or revision of the application should be mailed to or handed over to the "Reception Division" of the Patent Office, and documents not mailed or handed over to the Reception Divisions have no legal effect.
- (4) Without an appointment, the applicant and/or his agent shall not interview with the Examiner in the Patent Office.

9. This Notification contains a text portion of 3 pages and the following attachments:

- ☒ 1 cited reference(s), totaling 30 pages. ☐

Examination Dept. 9 Examiner: WANG Lishi Seal of the Examination Department

**Text Portion of the Notification of the First Office Action**

CN Application No. 200480034795.2

The present application relates to a method and apparatus for operating cooperating, differing devices. After examination, the examiner presents the following comments:

**PART I**

1. The technical solution as claimed in Claim 1 does not possess prominent substantive features or a notable progress, and thus lacks inventiveness as required by Article 22.3 of the Chinese Patent Law (CPL).

Reference 1 (CN1429462A) discloses an interface between modem and subscriber interface module, and specifically discloses the following technical features (see Claim 1 and Fig.3): the interfacing circuit comprises UART clock and SIM clock signals that are generated independently of one another based on a common clock (350) and a control signal provided to a programmable clock circuit, so there necessarily has a cooperating relationship between the UART and SIM, and the UART and SIM operate by different control sequences.

It can be seen that, Claim 1 differs from Reference 1 in that: the control sequences are synchronized in at least one synchronizing device. Therefore, the technical problem to be actually solved by the present invention is to synchronize the control sequences in the synchronizing devices. However, when facing actual design needs, it easily occurs to those skilled in the art based on the disclosure of Reference 1 to synchronize the control sequences of the UART and SIM by designing values of M and N dividers such that the control of the UART and SIM is synchronized, which belongs to habitual means in the art. It follows that, it is obvious for those skilled in the art to obtain the technical solution as claimed in Claim 1 on the basis of Reference 1 in combination with the habitual means in the art. Therefore, the technical solution as claimed in Claim 1 does not possess prominent substantive features or a notable progress, and thus lacks inventiveness as required by Article 22.3 of the CPL.

2. The additional technical features of dependent Claims 4, 7, 9 and 11 have also been disclosed in Reference 1 (see Claim 1, and Fig.3) as follows: the interfacing circuit comprises UART clock and SIM clock signals that are generated independently of one another based on a common clock (350) and a control signal provided to a programmable clock circuit; the tasks such as UART communication, modulation and demodulation, and external communication can be performed by means of the circuit. Therefore, when the claims to which Claims 4, 7, 9 and 11 refer lack inventiveness, the technical solutions as claimed in Claims 4, 7, 9 and 11 do not possess prominent substantive features or a notable progress, and thus lack

Text Portion of the Notification of the First Office Action  
Chinese Application for Invention No. 200480034795.2

Y/R: 21697.7/ME  
O/R: IIE061446

inventiveness as required by Article 22.3 of the CPL.

3. The additional technical features of dependent Claims 2, 3, 5 and 6 belong to habitual means in the art. Therefore, when the claims to which Claims 2, 3, 5 and 6 refer lack inventiveness, the technical solutions as claimed in Claims 2, 3, 5 and 6 do not possess prominent substantive features or a notable progress, and thus lack inventiveness as required by Article 22.3 of the CPL.

4. The technical solution as claimed in Claim 12 does not possess prominent substantive features or a notable progress, and thus lacks inventiveness as required by Article 22.3 of the CPL.

Reference 1 (CN1429462A) discloses an interface between modem and subscriber interface module, and specifically discloses the following technical features (see Claim 1 and Fig.3): the interfacing circuit comprises UART clock and SIM clock signals that are generated independently of one another based on a common clock (350) and a control signal provided to a programmable clock circuit, so there necessarily has a cooperating relationship between the UART and SIM, and the UART and SIM operate by different control sequences.

It can be seen that, Claim 12 differs from Reference 1 in: synchronizing device for synchronizing the control sequences. Therefore, the technical problem to be actually solved by the invention is to synchronize the control sequences in the synchronizing devices. However, when facing actual design needs, it easily occurs to those skilled in the art based on the disclosure of Reference 1 to synchronize the control sequences of the UART and SIM by designing values of M and N dividers such that the control of the UART and SIM is synchronized, which belongs to habitual means in the art. It follows that, it is obvious for those skilled in the art to obtain the technical solution as claimed in Claim 12 on the basis of Reference 1 in combination with the habitual means in the art. Therefore, the technical solution as claimed in Claim 12 does not possess prominent substantive features or a notable progress, and thus lacks inventiveness as required by Article 22.3 of the CPL.

5. The additional technical features of dependent Claims 13, 15, 17 and 20 have also been disclosed in Reference 1 (see Claim 1, and Fig.3) as follows: the interfacing circuit comprises UART clock and SIM clock signals that are generated independently of one another based on a common clock (350) and a control signal provided to a programmable clock circuit; the tasks such as UART communication, modulation, demodulation and external communication can be performed by means of the circuit. Therefore, when the claims to which Claims 13, 15, 17 and 20 refer lack inventiveness, the technical solutions as claimed in Claims 13, 15, 17 and 20 do not possess prominent substantive features or a notable progress, and thus lack

inventiveness as required by Article 22.3 of the CPL.

6. The additional technical features of dependent Claims 18 and 19 belong to habitual means in the art. Therefore, when the claims to which Claims 18 and 19 refer lack inventiveness, the technical solutions as claimed in Claims 18 and 19 do not possess prominent substantive features or a notable progress, and thus lack inventiveness as required by Article 22.3 of the CPL.

## PART II

1. The technical solution as claimed in Claim 1 is unclear and does not comply with the provisions of Rule 20.1 of the Implementing Regulations (IR) of the CPL.

Claim 1 contains the wordings "insbesondere", which result in various scopes of protection. In addition, Claim 1 contains parentheses "(tTick)" in which a non-reference sign is placed, thus such parentheses will render the technical solution of Claim 1 unclear. It is reminded that, when amending Claim 1, the applicant shall take care of the defect of lacking reference bases in its dependent claims.

2. Claim 3 does not define the meaning of "IPO<sub>i</sub>" in the expression. Consequently, Claim 3 fails to define clearly its scope of protection and does not comply with the provisions of Rule 20.1 of the IR of the CPL.

3. The feature "die Funktionseinheiten" in Claim 7 fails to be defined in the preceding claims, thus the feature of "die Funktionseinheiten" lacks a basis for reference and does not comply with the provisions of Rule 20.1 of the IR of the CPL.

4. Claim 9 does not explain the meanings of specific parameters in the expression. Consequently, Claim 9 fails to define clearly its scope of protection and does not comply with the provisions of Rule 20.1 of the IR of the CPL.

5. Dependent Claims 4-7, 9-11 and 15-20, which themselves are multiple dependent claims, refer to preceding multiple dependent claims. Therefore, said claims do not comply with the provisions of Rule 23.2 of the IR of the CPL. The applicant should amend the reference relations of said claims.

6. The technical solution as claimed in Claim 12 is unclear and does not comply with the provisions of Rule 20.1 of the IR of the CPL.

Claim 12 contains the wordings "insbesondere", which result in various scopes of protection. In addition, Claim 12 contains parentheses in which a non-reference sign is placed, thus such parentheses will render the technical

Text Portion of the Notification of the First Office Action  
Chinese Application for Invention No. 200480034795.2

Y/R: 21697.7 /ME  
O/R: IIE061446

solution of Claim 12 unclear. It is reminded that, when amending Claim 12, the applicant shall take care of the defect of lacking referential bases in its dependent claims.

7. Claim 17, 20 and 21 contains parentheses in which a non-reference sign is placed, thus such parentheses will render the technical solutions of Claims 17, 20 and 21 unclear. Therefore, the technical solutions as claimed in Claims 17, 20 and 21 do not comply with the provisions of Rule 20.1 of the IR of the CPL.

8. Claims 19 and 20 do not explain the meaning of variables appearing in the expressions. Consequently, Claims 19 and 20 fail to define clearly their scopes of protection and do not comply with the provisions of Rule 20.1 of the IR of the CPL.

It is reminded that, Claims 12, 14, 15, 16, 17, 18 and 19 mention the reference sign 5, but the reference sign 5 respectively represent synchronizing device, coordinating device, and synchronizing and/or coordinating device. The applicant should make amendments to unify the terms.

Due to the reasons above, the present application cannot be patented based on the present application document. The applicant should carefully amend the application document to overcome the existing defects. The amendments to the application document shall be in line with Article 33 of the CPL, and may not go beyond the scope of the disclosure contained in the initial description and claims. It is reminded that, according to the provisions of Article 38 of the CPL, if the amended application document still has defects that belong to the circumstances as listed in Rule 53 of the IRCPL and has ever been pointed out in the present notification, the present application will be rejected.

Examiner: WANG Lishi  
Code: 9561